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**October 18, 2019**

Michael Volcik  
CMI

*Sent via email: Michael.volicik@cmiwa.com*

RE:	My Client:	Thomas Williams
	Date of Loss:	07/12/2019
	Your Insured:	Walmart – 5600 N. Henry Blvd, Stockbridge, GA
	Claim Number:	8877610

Dear Mr. Volcik :

As you are aware, I represent Mr. Williams for injuries sustained in the above-referenced accident. Please be advised that this is our formal demand and request for settlement.

On **July 12, 2019**, my client was seriously injured while patronizing your insured's store. As he turned the corner to go down an aisle, he immediately slipped and fell. He stepped on what appeared to be residue from a cracked egg that was sitting on the floor, with no warning or caution signs around. He landed on his tail bone and hurt his wrist attempting to break his fall. As a result of the fall, the lenses of his glasses pushed up against his eye. My client felt immediate pain after he slipped and fell on the slippery floor. He made two separate trips to the emergency room as a result of his severe pain. The pain continues to this date and has affected his ability to work and enjoy life. My client was unaware that this accident would occur and was unable to avoid or otherwise reduce the consequences.

Due to the negligence of your insured, my client has incurred the following medical expenses, including, but not limited to, the following:

1. Piedmont Eagles Landing	\$11,643.10
2. H2H Wellness Center	\$4,005.40

10/21/2019

3. Advantageous Healthcare Association	\$5,100.00
4. Barbour Orthopaedics	\$7,849.44
5. American Health Imaging	\$7,110.00
6. Doctor's Exchange of Georgia	\$49.00

**Total Medical Expenses to date: \$35,756.94**

As a direct and proximate result of your insured's negligence, Mr. Williams was diagnosed with, among others, the following injuries:

1. Disc herniations of left of midline at T8-9 and right of midline at T10-11
2. Anterolisthesis of lumbar spine that may have been aggravated or worsened by recent injury
3. Acute post-traumatic headache
4. Visual disturbances
5. Joint stiffness
6. Radiculopathy, lumbar region
7. Radiculopathy, thoracic region
8. Strain of muscle, fascia and tendon of low back
9. Hand pain
10. Left hip pain
11. Injury of thorax
12. Sprain of ligaments of lumbar region
13. Retinal hemorrhaging
14. Myalgia
15. Muscle spasm of back
16. Paresthesia of skin
17. Tinnitus
18. Pain, thoracic spine
19. Sacroiliitis

In addition to the special damages outlined above, my client has endured physical, mental and emotional distress, which is common to injuries of this nature. My client informed his treating physician that he has had trouble sleeping and that he wakes up in the middle night in pain and wants to cry. This situation has traumatically affected my client's life and lifestyle. The possibility of future medical treatment for my client's injuries and reduced capacity to earn a living and to enjoy life are very real considerations to him. My client has been unable to work since the date of incident. He works in construction as an independent contractor and estimates that prior to his injury he was making \$600.00 per week. He has lost approximately \$4,200.00 in wages as of the date of this letter.

Georgia law allows for the award of future medical expenses. The Georgia code states that "necessary expenses consequent upon an injury are a legitimate item in the

estimate of damages.” Ga. Code Ann. § 51-12-7. To warrant future medical expenses, there must be evidence that the injury will require that future medical attention. *Massie v. Ross*, 211 Ga. App. 354, 354, 439 S.E.3d 3, 3 (1993). The plaintiff must provide competent evidence to guide the jury in arriving at a reasonable value for such expenses. *Hart v. Shergold*, 259 Ga. App. 94, 94, 96-97, 670 S.E.2d 895, 898 (2008). While courts require competent evidence, they will allow some degree of speculation as to the reasonable value. See generally *White v. Jensen*, 257 Ga. App. 560, 560-561, 571 S.E.2d 544, 545-546 (2002) (the testimony of a physician, wherein he “guessed” as to the cost of a future surgical repair but listed some specific costs in the estimated figure given, was sufficient to authorize an award for future medical expenses).

My client will require future medical treatment. He has not been released by his treating physician and is still in an immense amount of pain. Dr. Barbour has recommended that he undergo a lumbar epidural injection, with an estimated cost of \$8,394.38, and a series of 3 platelet rich plasma injections, with an estimated cost of \$12,612.00.

In consideration of the special and general damages as outlined above, demand is herein made for full and final settlement in the amount of \$400,000.00.

Acceptance of this demand should be made by delivery of a draft payable to my client and W. Calvin Smith, II, Attorney At Law, 3560 Lenox Road, N.E., Suite 3020, Atlanta, Georgia 30326, within thirty (30) days of your receipt of this demand. This demand is made pursuant to the terms and provisions of O.C.G.A. section 9-11-67.1.

Our law firm is ready, willing and able to execute whatever documents are required to effectuate this settlement. Please respond in writing at your earliest convenience.

I look forward to your prompt response.

Sincerely,  
W. CALVIN SMITH, II, P.C.

  
Ross S. Warsett, Esq.